STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BRENDAN EPPS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRAVIS EPPS,

Respondent-Appellant,

and

LATRICE TAMEKILA WANSLEY,

Respondent.

UNPUBLISHED
February 19, 2004

No. 249949
Genesee Circuit Court
Family Division
LC No. 92-092142-NA

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii) and (g). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Respondent-appellant argues initially that the trial court lacked jurisdiction over him because he was not personally served with a summons and notices of hearings, and because the documents were mailed by certified, not registered, mail to his last known address at a California state prison. There the articles were signed for by someone other than respondent.

We find no error. Respondent-appellant was a "putative father" within the meaning of MCR 3.903(A)(23) and MCR 3.921(C). He was not a "father" as defined in MCR 3.903(A)(7). He also was not a "party," MCR 3.903(A)(18), "parent," MCR 3.903(A)(17), or "respondent," MCR 3.903(C)(10); MCR 3.977(B), as those terms are defined in the court rules. Consequently, he was not entitled to notice of the termination proceedings. See *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001); *In re Gillespie*, 197 Mich App 440, 444, 446; 496 NW2d 309 (1992). Moreover, personal service on respondent-appellant would have been impracticable, and the method used was reasonably calculated to provide notice. Service by certified mail, return

receipt requested, complied with MCR 3.920(B)(4). Respondent apparently had some notice of the proceedings, as he sent a letter to Ms. Henry, the FIA representative, which was referred to at a hearing on July 24, 2001. We find no abuse of discretion in the trial court's handling of the matter of respondent-appellant's status as a putative father.

We also find that the trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J). The child's mother testified that respondent-appellant had not seen Brendan since he was six or eight months old. Other witnesses testified that Brendan did not refer to any cards, letters, or contact from his father or from respondent-appellant, and the file disclosed no such contacts. Respondent-appellant was apparently incarcerated in California throughout the nearly two-year pendency of this case. The evidence was sufficient to show abandonment of a child for ninety-one or more days under MCL 712A.19b(3)(a)(ii) and a failure to provide proper care and custody under MCL 712A.19b(3)(g). The validity of the trial court's determinations on these issues was not affected by respondent-appellant lack of parental status under the court rules.

Further, because at least one ground for termination was established, the trial court was required to terminate respondent-appellant's parental rights unless the trial court found that termination was clearly not in Brendan's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). Brendan had no relationship with respondent-appellant, and there was no evidence that it was in his best interests to begin one, or even that respondent-appellant would be willing or able to assume the responsibilities of fatherhood. The trial court's finding regarding Brendan's best interests was not clearly erroneous.

Affirmed.

/s/ Jessica R. Cooper
/s/ Peter D. O'Connell
/s/ Karen M. Fort Hood